

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	December 25, 2015
Time of Incident:	8:00am
Location of Incident:	XXXX S. Walden Pkwy, Chicago, Illinois 60643
Date of COPA Notification:	December 25, 2015
Time of COPA Notification:	1:14pm

CPD Officers responded to a domestic disturbance call, and, upon arrival, observed the female Complainant removing clothing from the apartment. After observing the Complainant assault the male victim, the Accused Officer intervened and, in so doing, ripped the Complainant's shirt. The Complainant alleged that the accused Officer choked her and spit in her mouth. For the following reasons, COPA finds that her allegation is **Unfounded**.

## II. INVOLVED PARTIES

Involved Officer:	Officer A Star #XXXX / Employee #XXXX DOA: XX XX, 1991 DOB: XX XX, 1964 Male, White
Subject:	Subject 1 DOB: XX XX, 1989 Female, Black

## III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. On December 25, 2015, at about 9:15am, Officer A choked Subject 1 and spit in her mouth at XXXX South Walden Pkwy., Chicago, Illinois.	Unfounded

## IV. APPLICABLE RULES AND LAWS

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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**CPD Rules of Conduct**

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Rule 1: Violation of any law or ordinance.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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## **V. INVESTIGATION**

### **a. Interviews**

**Complainant Subject 1** gave a sworn statement to IPRA on December 25, 2015, while she was at Holy Cross Hospital.<sup>2</sup> Subject 1 stated that she had been drinking the night before, while her children and the children's father, Civilian 1, were at the apartment of Civilian 2, Civilian 1's mother, at XXXX S. Walden Pkwy. Subject 1 arrived at the apartment at approximately 2:00 am on December 25, 2015, at which time, she and Civilian 1 started arguing, continuing until daybreak.

Subject 1 stated that she tried to call the police to keep Civilian 1 away from her. However, the police did not respond until Civilian 2, called them at 8:20am.<sup>3</sup> Officers A and B arrived at approximately 9:15 am.

Subject 1 alleged that, in the hallway outside the apartment, Officer A grabbed her shirt collar, pushed her to the floor, choked her, and spit in her mouth. When Officer A got off of her and headed back to the apartment, Subject 1 went down the stairs -- she was unsure if Officer A had thrown her down the stairs. She left the apartment building to call a "white shirt," who never responded. Later, she went to Holy Cross Hospital.

**Witness Civilian 1** provided a statement to IPRA on December 25, 2015. The following is a summary of his statement.<sup>4</sup>

Civilian 1 and Subject 1 have two children together and they had been living at his mother's apartment for the two months prior to this incident. On the incident date, he and Subject 1 began arguing around 3:00 am after she returned home from a night of drinking. Civilian 1 asked her to leave, which she agreed to do, and began packing her belongings as well as some of his personal items. However, she became more argumentative, prompting Civilian 1's mother, Civilian 2, to call the police.

Two unidentified officers arrived, spoke to Subject 1 and advised her to leave. She agreed, and the officers left. Afterwards, Subject 1 and Civilian 1 resumed arguing, prompting Civilian 2 to call the police again. Two different officers responded, who were later identified as Officers A and B. The officers ordered Subject 1 to return Civilian 1's clothing to him and to leave the apartment. She began arguing with Civilian 1 and Officer A and proceeded to chase Civilian 1.

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<sup>2</sup> Att. # 16.

<sup>3</sup> Att. #15, CPD Event Query.

<sup>4</sup> Att. #8, audio recording of Civilian 1's statement.

Officer A attempted to restrain Subject 1 by grabbing the collar of her shirt, which tore. Meanwhile, she had grabbed Civilian 1 and they both fell to the floor in the hallway outside the apartment. As Officer A tried to separate the two, Subject 1 resisted and was cursing everyone during the ordeal.

Civilian 1 stated that the officers acted with total restraint, even though both he and Subject 1 could have been arrested [presumably given the hours-long disturbance between them]. The Officers released Subject 1 and she left. Later, she returned to the apartment to retrieve the belongings that she left behind. Civilian 1 talked with her and she related to him her account of the incident, in which the officers choked her and pushed her down the stairs. Civilian 1 stated that he was in his kitchen and did not see the officers' interaction with Subject 1 in the hallway. However, he did not hear any type of physical altercation. He only heard Subject 1 cursing and arguing. Civilian 1 stated that he concluded that Subject 1 must have consumed a lot of alcohol before coming home, based on his observation that she could not recall events or conversations they had during their argument.

#### **b. Documentary Evidence**

##### **1. Original Case Incident Report, RD #HY5XXX<sup>5</sup>**

Officers A and B responded to a domestic violence call at the subject address, on December 25, 2015, at approximately 9:15am. Upon arrival, the Officers observed Civilian 2, removing bags of clothing from the apartment. They also observed Civilian 1 removing his clothing from the bags that the Offender, Subject 1, was loading. In plain view of the Officers, Subject 1 grabbed Civilian 1's shoulder and arm and shoved him. Officer A intervened and separated the two. Officer A asked Civilian 1 if he wanted to file charges against Subject 1, to which he declined and stated he did not want Subject 1 arrested, but only to file the report. The report also noted that the Witness, Civilian 2, told the officers that she "fears the Offender [Subject 1]." The Officers then told Subject 1 to leave the premises immediately with her belongings and advised Civilian 1 on the process for obtaining an order of protection.

##### **2. Holy Cross Hospital Records<sup>6</sup>**

Subject 1 was admitted at 2:43 pm on December 25, 2015, complaining of chest and throat pain and stated that she had been choked and thrown to the floor by police officers. The records do not indicate any sign of injury to Subject 1. Subject 1 was discharged with a prescription for Ibuprofen.

##### **3. CPD Event Query Report<sup>7</sup>**

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<sup>5</sup> Att. #13.

<sup>6</sup> Att. #20.

<sup>7</sup> Att. #15

The Event Query Report indicates that the only recorded 911 calls related to this address on the incident date were from Civilian 2. The remarks indicate that the Mother made the call and the “Girlfriend could be heard yelling in the background.”

## VI. ANALYSIS

In her statement, Subject 1 acknowledged that she had been drinking before arriving at Civilian 2’s apartment at 2:00 am. She stated that Officer A choked her and spit in her mouth. She was unsure if Officer A threw her down the stairs. She acknowledged that spit fell out of the officer’s mouth while they were tussling. Subject 1 also stated that she called the police several times, but they never responded. On the other hand, the CPD Event Query does not indicate that she called the police to that address and her medical records do not describe any injury.

In Civilian 1’s statement, he describes Subject 1 as intoxicated and confrontational during the entire incident. Civilian 1 emphasized that all responding officers acted with restraint. Civilian 1 also stated that, during their conversation later in the day, Subject 1 could not remember the arguments she had with him that morning before the police arrived. He also stated that he did not observe a physical altercation between Subject 1 and the officers outside of the apartment. Finally, Civilian 1 said that he and Subject 1 tumbled to the hallway floor after she attacked him and that the accused officer was only trying to break up the fight. Notably, Subject 1 did not mention these details, *i.e.* that she attacked Civilian 1 and that they were fighting when Officer A grabbed her.

Considering the totality of the circumstances, including: (1) Subject 1’s admission that she had been drinking prior to the incident; (2) the inconsistencies in her statement; (3) Civilian 1’s description of events; (4) and the records from OEMC, CPD, and Holy Cross Hospital, COPA finds that Subject 1’s allegation that Officer A choked her and spit in her mouth lacks a factual basis and is, therefore, **Unfounded**.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. On December 25, 2015, at about 8:00am, Officer A did choke Subject 1 and spit in her mouth at XXXX South Walden Pkwy.	Unfounded

Approved:

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Acting Deputy Chief Administrator A  
Acting Deputy Chief Administrator – Chief  
Investigator

\_\_\_\_\_  
Date

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator A